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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,445	04/18/2000	William Bellis Somers	600.1048	2279

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EXAMINER

TAWFIK, SAMEH

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/31/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/551,445

Applicant(s)

SOMERS ET AL.

Examiner

Sameh H. Tawfik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 12 and 13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 & 12.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group I (claims 1-11) in Paper No. 8 is acknowledged.

Specification

The disclosure is objected to because of the following informalities: applicants need to amend the specification as follow:

(specification; page 4, line 23) delete "36" after "tie support" and insert instead --34--.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(claim 9, lines 1 and 2) "...the foam piece cover the side in its entirety." it is vague, indefinite and/or confusingly worded because it is not clear what applicant is referring to by "its"; is applicant referring to the hole folding cylinder, J-shaped brackets, tie support, etc? etc.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Roettger et al. (5,201,701).

Roettger discloses a folding cylinder comprising a frame having a work side support (Fig. 2; via side frame 8) and a gear side support (Fig. 2, via side frame 9 holds gears 24 and 49); at least one expansion segment (Fig. 2; via segments 18 and 19) for providing an effective diameter of the cylinder (Figs. 3 and Abstract, lines 2 and 3); the expansion segment (18 and 19) being located between the work side support (8) and the gear side support (9) and spaced apart from at least one of the work side support and the gear side support, see for example (Fig. 2); an actuating device (Fig. 2; via spindle 20) for contacting the at least one expansion segment (18 and 19) and setting the effective diameter (column 4, lines 25-29).

Regarding claim 2: at least one expansion segment (18 and 19) is spaced apart from both the work side support (8) and the gear side support (9), see for example (Fig. 2).

Regarding claim 3: the expansion segment (18 and 19) includes an outer section (via 18) and a plurality of J-shaped brackets (Fig. 2, via 19) connected to the outer section (18), a first J-bracket being spaced apart from the work side support (8) and a second J-bracket being spaced apart from the gear side support (9), see for example (Fig. 2).

Regarding claim 4: wherein an end of the J-shaped brackets (19) located opposite the outer section (18) interacts with eccentrics on a camshaft (via 20), a rotational angle of the camshaft being adjustable (column 4, lines 25-29).

Regarding claim 11: the cylinder (2) is a pin cylinder of a cross folder (Figs. 1 and 3).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roettger et al. (5,201,701).

Roettger does not specifically disclose the use of foam pieces in different portions of the apparatus for example a foam piece in a space between the expansion segment and the at least one of the gear side and work side supports, foam pieces between the expansion segment and the work side support and between the expansion segment and the gear side support, a foam piece attached to a side of the first J-bracket, nor “a foam piece covers the side in its entirety”. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Roettger’s folding cylinder by having foam pieces in different areas of the apparatus, as a matter of engineering design choice, since the examiner takes an official notice that using foam pieces in between parts of the apparatus is old, well known, and available in the art in order to reduce friction and noise.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Roettger et al. (5,201,701) in view of Fischer (5,039,076).

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Roettger does not disclose that a plurality of springs on a tie support. However, Fischer discloses a similar folding cylinder comprising a plurality of springs (Fig. 2, via springs 16) on a tie support (Fig. 2, via pin 11).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Roettger's folding cylinder by having a plurality of springs on a tie support, as suggested by Fischer, somewhere between spindle 20 and segments 18 & 19 in order to provide simple and sturdy cylinder (column 2, lines 5-12).

Conclusion

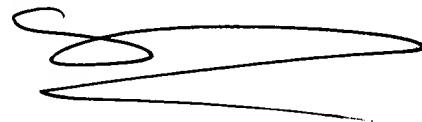
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Shibuya et al. (6,398,704) and Kubota et al. (5,122,109) disclose different folding cylinder.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is (703) 308-2809. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (703) 308-2187. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Sameh H. Tawfik
Patent Examiner
Art Unit 3721



ST.